

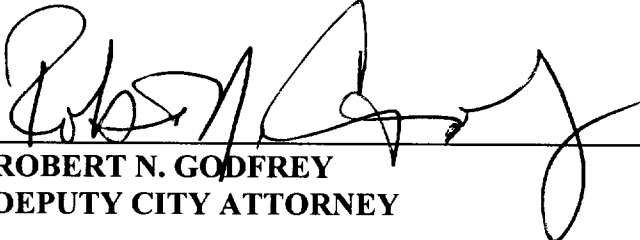
Entered - 03/28/02 - sb
CL02L0257 - DIANNE C. MITCHELL

CLAIM OF: **TINA CUNNINGHAM,**
through her attorney,
Kevin L. Ward
Suite 2700
260 Peachtree Street
Atlanta, Georgia 30303

02- -0944
R

For damages alleged to have been sustained as a result of police misconduct on September 27, 2001 at 4650 ASR Road.

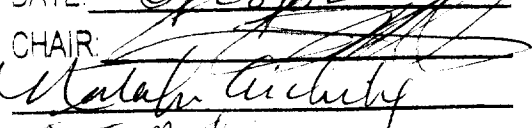
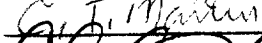
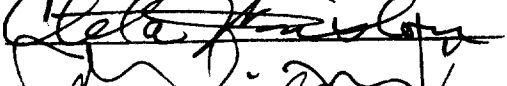
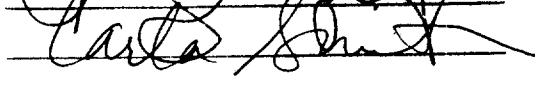
THIS ADVERSE REPORT IS APPROVED

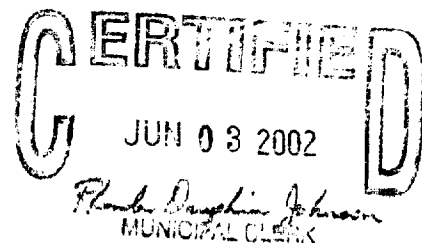
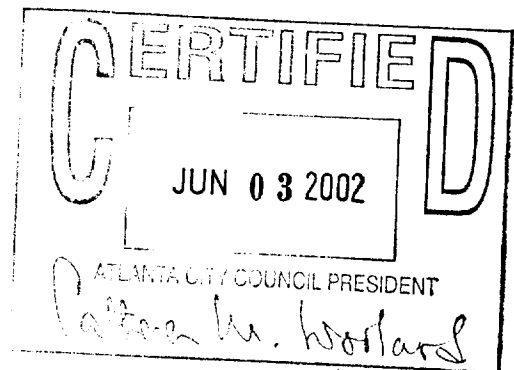
BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CONSENT AGENDA

APPROVED BY
CITY COUNCIL JUN 03

ADVERSE REPORT

COMM: Public Safety
DATE: 5/28/02
CHAIR: 








OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

June 12, 2002

Kevin L. Ward
Attorney at Law
260 Peachtree Street
Suite 2700
Atlanta, GA 30303

02-R-0944

RE: Tina Cunningham

Dear Attorney Ward:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 3, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0257

Date: May 8, 2002

Claimant /Victim TINA CUNNINGHAM

BY: (Atty) Kevin L. Ward

Address: Suite 2700, 260 Peachtree Street, Atlanta, Georgia 30303

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated

Date of Notice: 03/25/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/27/01 Place: 4650 ASR Road

Department Police Division:

Employee involved Sgt. Travis Harvey Disciplinary Action: Employee Resigned

NATURE OF CLAIM: The claimant, a City of Atlanta police officer, alleges that her supervisor, Sgt. Harvey, made unwanted sexual advances and physical contact towards her. The Office of Professional Standards conducted an investigation into the allegations and the investigation was "exceptionally closed" when Sgt. Harvey resigned. Furthermore, the City is immune from liability as set forth in O.C.G.A. §§ 36-33-1 & 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager:  Concur/date 05-13-02

Committee Action: Council Action

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

		06/03/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-0726	34. 02-R-0892	57. 02-R-0924
2. 02-O-0723	35. 02-R-0895	58. 02-R-0925
3. 02-O-0694	36. 02-R-0896	59. 02-R-0926
4. 02-O-0854	37. 02-R-0897	60. 02-R-0927
5. 02-O-0709	38. 02-R-0898	61. 02-R-0928
6. 02-O-0710	39. 02-R-0903	62. 02-R-0929
7. 02-O-0711	40. 02-R-0950	63. 02-R-0930
8. 02-O-0712	41. 02-R-0968	64. 02-R-0931
9. 02-O-0713	42. 02-R-0975	65. 02-R-0932
10. 02-O-0714	43. 02-R-0910	66. 02-R-0933
11. 02-O-0715	44. 02-R-0911	67. 02-R-0934
12. 02-O-0716	45. 02-R-0912	68. 02-R-0935
13. 02-O-0717	46. 02-R-0913	69. 02-R-0936
14. 02-O-0953	47. 02-R-0914	70. 02-R-0937
15. 02-O-0719	48. 02-R-0915	71. 02-R-0938
16. 02-O-0720	49. 02-R-0916	72. 02-R-0939
17. 02-O-0722	50. 02-R-0917	73. 02-R-0940
18. 02-O-0959	51. 02-R-0918	74. 02-R-0941
19. 02-O-0962	52. 02-R-0919	75. 02-R-0942
20. 02-O-0966	53. 02-R-0920	76. 02-R-0943
21. 02-O-0967	54. 02-R-0921	77. 02-R-0944
22. 02-O-0730	55. 02-R-0922	78. 02-R-0945
23. 02-O-0958	56. 02-R-0923	79. 02-R-0946
24. 02-O-0961		80. 02-R-0947
25. 02-R-0894		
26. 02-R-0948		
27. 02-R-0949		
28. 02-R-0905		
29. 02-R-0906		
30. 02-R-0904		
31. 02-R-0954		
32. 02-R-0974		
33. 02-R-0801		